IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2401 OF 2004

IN

SUIT NO.437 OF 2004

Alcobex Metals Ltd. ... Plaintiffs.

vs.

Sai Shipping Company Pvt.Ltd. & others. ... Defendants.

Ms.Das i/b/ Dunmorr Sett, for Plaintiffs.

Mr.A.M.Vernekar, for Defendant no.1

Mr.P.S.Pratap with Ms.Monica Kohli, for Defendant no.2.

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CORAM: D.K.DESHMUKH,J.

DATED: 17th June,2005

P.C.:-

1. This is a notice of motion taken out by the plaintiffs for placing the suit for ex-parte decree against defendant no.1 in the absence of written statement. The learned Counsel for defendant no.1 states that the defendant no.1 is filing written statement. The written

statement produced by defendant no.1 is taken on record. As now the defendant no.1 has filed the written statement, the Notice of motion does not survive. Hence, Notice of Motion disposed of.